



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



September 18, 2003

Mr. Lloyd Brower
28½ Centre Street
Concord, New Hampshire 03301

CERTIFIED MAIL (7099 3400 0003 0687 3896)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

Re: Improper Asbestos Removal at 45 West Street, Concord, NH

Dear Mr. Brower

On April 17, 2003 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a complaint from the City of Concord Code Enforcement Officer that transite siding was being removed from the exterior of a dwelling undergoing renovation located at 45 West Street, Concord, NH (the "Property").

On April 18, 2003, in response to the complaint, a DES inspector went to the Property to determine if asbestos containing material ("ACM") had been disturbed during the renovation project, and to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. At the time of the inspection, no one was working on the Property, but the DES inspector observed and photographed areas of the exterior walls where asbestos siding had been removed. As the siding was detached, it was broken up and dropped into piles on the ground. The ACM had been removed while dry, and was not bagged. A large, unlined dumpster on the Property contained broken ACM mixed with assorted demolition debris. It was determined that you are the owner of the Property. The DES inspector left a note on the Property stating that all work should be halted and requested that you call DES.

On April 22, 2003, DES personnel returned to the Property to meet with you and Concord Code Enforcement personnel. While Env-A 1802.02 states that the owner of a single family home can perform asbestos abatement on their residence as long as certain requirements are met. As a result of the inspection and of the information gathered, DES has determined that violations occurred. The purpose of this letter is to notify you of the violations discovered during the inspections conducted on April 18 and April 22, 2003. The specific violations are as follows:

Env-A 1805.06 requires that ACM be kept wet during removal and not be broken or dropped onto the ground. At no time should ACM be allowed to accumulate on the ground.

Env-A 1805.07 specifies that all ACM shall be placed wet into labeled watertight containers or double impermeable bags for transport to a landfill.

DES believes that no further action in response to the listed violations is required since the ACM has now been properly disposed of and the improper removal has ceased. However, please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373 or Joseph Ritz, Enforcement Specialist, Air Resources Division, Compliance Bureau, at (603) 271-1391

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Monroe', is written over the word 'COPY' which is printed in large, bold, black capital letters.

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: List of asbestos abatement contractors
Env-A 1800

cc: M. Harbaugh, DES Legal Unit
R. Kurowski, EPA Region 1
D. Spear, NHDES
J. Labonte, Concord Building Code Officer
G. Blake, Concord City Health Officer